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EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,041

Applicant(s)

RUKMINTO, BUDIANTO

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I (claims 1-6) in the reply filed on April 18, 2005 is acknowledged. The traversal is on the ground(s) that all claims could be examined as a whole without incurring extra-burdens upon the examiner. This is not found persuasive because the inventions in Groups I and II require different areas of search which would place a serious burden upon the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claims 7-9 have withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 18, 2005.

Drawings

The drawings are objected to because descriptive matter (FRONT VIEW, PAINTED/COLOR COATED, POLYSTYRENE) should not appear in figures 1 and 2. Descriptive matter for the drawings should appear in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and

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appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plastic layer with patterns/shapes cast into the plastic layer as defined in claim 2, the at least one backing layer defined in claim 3, and the at least one type of pigment defined in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because on lines 1 and 4 the word "invention" is used which is improper. At the end of the abstract the word "FIG 1" should be canceled. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 1-6 are objected to because of the following informalities: In claim 1, line 4, "resulting a" should apparently be "resulting in a". In claim 1, line 5, "the surface" should apparently be "a surface" since there is no antecedent basis for "the surface". In claim 2, line 1, "patterns/shapes one" should be "patterns/shapes on". In claim 6, lines 2 (two occurrences), "pigments" should apparently be "pigment". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Seo et al. (U.S. Patent No. 5,286,558).

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Seo et al. shows in figures 1 and 2 a frame mat (10) comprising a plastic layer (12) and at least one painted layer (see column 2, lines 32-33) attached to the plastic layer front surface. In regard to claim 3, Seo et al. shows in figure 2 that the plastic layer has a backing layer (paper layer 20). In regard to claim 4, the plastic layer is made of polystyrene, see column 2, line 20. In regard to claim 5, Seo et al. discloses in column 2, lines 31-33 that the paint is resin paint or water paint to color the paper.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Yurisc (U.S. Pub. No. 2003/0089013).

Yurisc shows in figures 1-5 a frame mat (20) comprising a plastic layer (the mat is formed from plastic, see paragraph 0012, lines 1-4) and at least one painted layer (see paragraph 0013, last three lines) attached to the plastic layer front surface. In regard to claim 2, Yurisc shows in figure 2 that the front surface is made with patterns/shapes (24) on the front surface. The method used to form the patterns/shapes is not given any weight in an article claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurisc in view of Cohart (U.S. Patent No. 5,279,880).

Yurisc discloses the applicant's basic inventive concept except for attaching a backing layer to the surface opposite the painted layer. Cohart shows in figures 1-6 a first mat (10) and a second mat/backing (16) placed on the back surface of the first mat (10). In view of the teachings of Cohart it would have been obvious to one in the art to modify Yurisc by attaching a backing/second mat to the back surface of the first mat since this would create a more aesthetically pleasing display as taught to be desirable by Cohart, column 3, lines 49-52.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurisc in view of Dowzall et al. (U.S. Patent No. 6,524,413) or Vogler (U.S. Patent No. 5,442,873).

Yurisc discloses the applicant's basic inventive concept except for the mat from polystyrene. Dowzall et al. discloses in column 3, lines 34-38 the idea of making a mat from polystyrene. Vogler discloses in column 3, lines 43-45 the idea of making a picture frame from polystyrene. In view of the teachings of Dowzall et al. or Vogler it would have been obvious to one in the art to modify Yurisc by making the mat from polystyrene since this would create a more durable mat.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurisc in view of Stern (U.S. Patent No. 4,056,213).

Yurisc discloses the applicant's basic inventive concept except for whether the paint is an acrylic emulsion paint. Stern discloses in 1, lines 7-10 that the use of acrylic emulsion paints are

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well known. In view of the teachings of Stern it would have been obvious to one in the art to modify Yurisc by using an acrylic emulsion paint since this would make the paint more durable and aesthetically pleasing.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurisc in view of Lacko (U.S. Patent No. 4,936,033) or Zager (U.S. Patent No. 6,735,896).

Yurisc discloses the applicant's basic inventive concept except for whether the plastic layer includes at least one pigment. Lacko discloses in column 4, lines 15-21 the idea of placing a pigment within a plastic. Zager discloses in column 3, lines 41-49 the idea of placing a pigment within a plastic. In view of the teachings of Lacko or Zager it would have been obvious to one in the art to modify Yurisc by placing at least one pigment within the plastic since this would allow the mat to be made into a desired color which would make the mat more aesthetically pleasing and eye-catching.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg
April 25, 2005


BRIAN K. GREEN
PRIMARY EXAMINER